

**STATEMENT OF RUFUS KING, III**  
**CHIEF JUDGE**  
**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**TO THE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA**  
**COMMITTEE ON APPROPRIATIONS**  
**U.S. HOUSE OF REPRESENTATIVES**  
**APRIL 10, 2002**

Mr. Chairman, Representative Fattah, members of the Subcommittee: I am Rufus G. King, III, and I am appearing in my capacity as Chief Judge of the Superior Court of the District of Columbia. Thank you for this opportunity to discuss the Superior Court's role in the on-going work of the District's criminal justice agencies to enhance public safety.

The District of Columbia Courts, comprised of the Court of Appeals, the Superior Court, and the Court System, are committed to administering justice in a fair, prompt, effective and cost-efficient manner. The Joint Committee on Judicial Administration, of which I am a member, is the policy-making body for the Courts. The Superior Court is a unified court of general jurisdiction and handles all civil, criminal, family, probate, and tax matters for the District of Columbia. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and ensure trust and confidence in the justice system.

***Family Court***

The Superior Court's major priority in the past year has been enactment and now implementation of the Family Court Act of 2001 to enhance the safety of the District's abused and neglected children.

As you know, the President signed the Family Court Act of 2001 into law on January 8, 2002 with the support of the Court, the bar, and most of the stakeholders in the child advocacy community. We shared a goal of improving the provision of services to abused and neglected children and expediting permanency for them. The bill is a major step toward that goal, and Judge Lee Satterfield, presiding judge of the Family Court and Judge Anita Josey-Herring, deputy presiding judge devoted countless hours to developing the transition plan for the new Family Court. I commend them for their hard work. The plan, which was delivered to you on April 5, 2002, reflects congressional intent and best practices and, most importantly, provides what we believe to be the best possible services and protections to abused and neglected children. The Act and our plan will make a marked difference in the lives of children and families in the District of Columbia.

The Court is beginning the transition under which cases formerly distributed among the full bench will be transferred to the Family Court. In addition, since January, all new abuse and neglect cases have been retained in the Family Court. Our transition plan addresses how we plan to implement the "one family/one judge" concept to ensure that the same judge or magistrate judge hears related cases. This approach requires the hiring of additional judges and magistrate

judges to handle the significantly increased caseload in the Family Court, enhancing clerks' offices, and developing the Family Court's IT capacity. Additional judicial officers require additional administrative assistants, law clerks, courtroom clerks, and support personnel. Space needs to be constructed to house the new courtrooms, hearing rooms, chambers, and support services needed to ensure that the Family Court is accessible, child-friendly, and is able to function optimally.

A serious concern to the Court is the need to obligate funds in order to comply with the Act prior to the funds becoming available under applicable appropriations law. The District of Columbia Appropriations Act, 2002 provides that the Family Court appropriation becomes available only after a 30 day GAO review followed by a Congressional review of 30 legislative days, which we estimate will be mid or late June. In the interim, the Court has appointed five magistrate judges, constructed office space for them (within existing Court space), and obtained the necessary furnishings and equipment. We have also reconfigured hearing rooms and added space for support staff, who will be hired soon. In addition, to keep the architectural and construction work on schedule to meet the Act's 18 month deadline to complete the transition, we estimate that approximately \$8 million will be needed prior to the completion of the GAO and Congressional review period. To date, we have utilized funds from the Courts' FY 02 operating and capital budgets. These obligations will not pose a problem if funds appropriated for the Family Court can be used as reimbursement. However, the GAO has informed us that this reimbursement would constitute a transfer, for which statutory authority is required. The lack of this authority could potentially place the Courts in the untenable position of requiring us to choose between compromising fundamental health and safety needs of the public using the courthouse, and delaying time-sensitive construction contracts for the Family Court.

The Subcommittee has been very generous in securing funding for the Family Court effort. We rely on your further support in this timing issue.

### ***Police Overtime***

In late 1999, the District's Criminal Justice Coordinating Council (CJCC) established a priority to address the nearly intractable problem of police overtime associated with processing criminal cases. The Court supported the first system-wide study of court related police overtime and its causes in the District of Columbia, which was conducted by the Council for Court Excellence (CCE) and the Justice Management Institute (JMI), under the auspices of the CJCC.

Often called "court related overtime," these police officer hours are spent either (1) with prosecutors deciding whether to file criminal charges, investigating cases, and preparing cases for trial, or (2) at the Court for appearances at certain hearing and trials. It is clear that police officers must participate in these activities to permit the criminal justice system to function. However, we all recognize that the criminal justice agencies must work cooperatively to minimize the time required and foster efficient and fair disposition of criminal cases.

The CCE study notes that court related police overtime is not unique to the District of Columbia, but common in most urban, high-volume criminal courts, and summarizes efforts currently underway in Miami, Portland, Philadelphia, San Francisco, and Dallas to address this issue. The report recommends two primary changes to address these problems: (1) better use of technology to more efficiently coordinate police court appearances and share information among government agencies; and (2) more active and efficient judicial management of the court process.

Following the study, and in response to a request from the Government Reform Committee, the Court spearheaded the formation of a Police Overtime Committee composed of representatives from the different criminal justice agencies to develop and implement strategies to reduce police overtime. The Committee identified action items in the following categories: initiatives to reduce overtime in the papering process; case scheduling initiatives to reduce overtime in the court hearing and trial process; internal Metropolitan Police Department (MPD) management controls; and the development of a system-wide criminal case management plan.

The Court's first action item was to establish a staggered schedule for preliminary hearings to reduce officer waiting time and limit each officer's time in court to 2-3 hours per case. In September 2001, the Court implemented a staggered schedule with hearings beginning at 9 a.m., 11 a.m., and 2 p.m. The consensus of the CJCC members is that the staggered scheduling of these cases is effectively reducing the number of police overtime hours associated with preliminary hearings.

The Court's second action item was to change our case management by scheduling a status hearing prior to trial in certain misdemeanor cases and in all felony cases to create meaningful opportunities to dispose of cases before trial (where officers are required to appear). Working with the U.S. Attorney's Office (USAO), in early October 2001 the Court began to identify characteristics of misdemeanor cases that make a pre-trial disposition likely, and scheduled status hearings for them. To date, a significant number of these cases have been resolved without scheduling a trial date, thereby eliminating the need for the police officer to come to Court. In the felony area, the USAO has been working to encourage early case dispositions by providing earlier discovery and plea offers and by having the plea offers expire prior to the trial date. These measures have made status hearings more meaningful and, therefore, the Court has increased their use in felony cases.

The Court's main action item is to develop a comprehensive Criminal Case Management Plan (CCMP). In September 2001, the Court began phase I of this project, which involved D.C. misdemeanor and traffic cases. Earlier studies found that these simple "quality of life" and traffic cases were scheduled for trial (at which officers would need to appear) with little effort to resolve the case prior to trial. The studies also showed that most defendants pled guilty on the trial date, and, therefore, very few trials were actually conducted. However, because the plea did not occur until trial, the police officer was already in attendance at the courthouse.

To address this problem, in January 2002, the Court implemented a Community Court initiative to process these "quality of life" misdemeanor and traffic cases more expeditiously while creating a system of more meaningful sanctions. The initiative uses diversion, community

service, and treatment programs to create opportunities for disposition of these minor matters at the time of arrest (“same-day disposition”), thereby reducing demands on the time of police officers, prosecutors, defense attorneys, and the Court needed to process the cases. By addressing the underlying social issues driving many of these cases (mental illness, substance abuse, homelessness, etc.) the Court also seeks to reduce recidivism and improve the quality of life in the District. Early statistical information shows that same day disposition of these cases has risen, that there are fewer cases being scheduled for a trial, and that the number of arrest warrants issued for defendants who failed to appear on their trial date or to pay their fines has decreased by almost 50%.

As part of phase II of the CCMP, the Court, in partnership with MPD, recently received CJCC funds from the Corrections Trustee to reengineer the police booking process and to perform a statistical analysis of court data on processing U.S. misdemeanor and felony cases. The reengineering of the booking process is designed to eliminate barriers to efficiently utilizing night papering, and the statistical analysis will be used as the starting point in developing case processing plans in the U.S. misdemeanor and felony caseloads. The Court plans to assemble an interagency group to spearhead phase II in early June 2002.

A pilot project in night papering was conducted by the USAO and the MPD (“Papering” is the process by which the prosecutor determines whether to dismiss a case or press charges by reviewing the evidence and taking a sworn statement from the police officer). The Court strongly supports this effort. Not only does it appear to reduce police overtime, but it also can enhance the effectiveness of a defendant’s first court appearance at arraignment by presenting an opportunity to dispose of the case at that time. Although the police officer is not typically present at the arraignment, an early disposition is more efficient and saves resources for all agencies involved.

The process of preparing a system-wide strategy to reduce police overtime, while arduous, has proven to be a boon to the criminal justice system and to the CJCC. This effort has created an atmosphere of cooperation and collaboration that is unprecedented in the District of Columbia. Each month, top leaders of the various criminal justice agencies meet as the CJCC and work to create a better coordinated and more efficient criminal justice system. Reducing police overtime and using all criminal justice resources most efficiently have become essential components of every discussion. One of the keys to the success of the CJCC has been funding for multi-agency reform efforts. In FY 02, Congress provided \$1.3 million for CJCC activities. The Court trusts that the Subcommittee will continue to finance and support this invaluable forum for the District’s criminal justice system.

### ***Halfway Houses***

In our criminal justice system, the District’s halfway houses provide a very useful tool in enhancing public safety, while avoiding the higher costs, both social and financial, of incarceration. They provide an important sanction for persons who violate the conditions placed on their release in the community, and they facilitate defendants’ participation in work release

programs. It has come to my attention that the Pretrial Services Agency, which monitors defendants prior to adjudication of their cases, is facing a shortage of space in halfway houses in FY 03. This shortage risks compromised public safety on the one hand and unnecessary incarceration on the other. The Court supports funding for adequate halfway houses to serve the community.

### ***Courthouse Security***

As did Americans all across the country, the Courts reacted to the terrorist attacks of September 11, 2001 with shock, horror, and resolve. The attacks provided the impetus for a review of security at the courthouse, not only for our judges and staff, but also for approximately 10,000 members of the public who visit the Courts each day. To this end, the Courts re-established the Security Committee, charged with examining general security issues, updating emergency procedures, and planning for business continuity. As part of continuing efforts to enhance security, the U.S. Marshal Service conducted an assessment of security at court facilities. This assessment will be used to determine and prioritize security enhancements.

Several security enhancements were implemented immediately after the attacks, including 100% security checks at pedestrian entrances and a more thorough examination of vehicles entering the courthouse parking garage. Roll-up barriers were also installed at garage entrances. Mail security was enhanced through the use of a bio-chemical screening device, and a telephone intercom system was installed to quickly inform court staff of emergencies.

Health experts on anthrax conducted training sessions, and a judicial training session was devoted to courthouse security and bioterrorism. To further educate court staff on bioterrorism, information was distributed on proper mail handling and the proper response to an anthrax or other biological threat.

In an effort to improve emergency preparedness, the Courts revised their Evacuation and Emergency Protection Plan and prepared an emergency protection reference card for distribution to all court staff. Building upon their Y2K Business Continuity and Contingency Plan, the Courts are developing a new business continuity plan. The plan will include procedures for continued court operation at an off-site location in the event of a disaster. To support this effort, the Courts' FY 03 budget request includes funds to prepare an Information Technology disaster recovery plan.

The Courts will continue to take steps to ensure that court facilities are both secure and accessible to the community that we serve.

### ***Crime Victims Compensation Program***

The Crime Victims Compensation Program provides financial assistance to violent crime victims who are injured in the District of Columbia. Assistance is provided for crime-related expenses

not covered by private insurance or another benefit program. This assistance is in the form of payment or reimbursement for medical and mental health counseling costs, funeral expenses, lost wages, and the cost of temporary emergency shelter for victims of domestic violence. In addition to providing these services to the primary victims of crimes, the Program serves the members of the victim's family, who can receive compensation for mental health counseling as secondary victims. The Crime Victims Compensation Program also provides information and referral for other services that victims need.

Although the Crime Victims Compensation Program has existed in the District of Columbia since 1982, the D.C. Superior Court has administered it for only five years. During this time, we have made dramatic improvements in reaching victims of violent crime and helping them claim the reimbursements to which they are entitled. We increased the number of victims served annually from 140 in FY 96 to 1,538 in FY 01. The amounts paid to victims have risen drastically as well, from just over \$200,000 in FY 96, to more than \$3.2 million during FY 01, a fifteenfold increase in five years. Nearly halfway through FY 02, the Program has paid victims of violent crime \$1.9 million, a 48% increase over the same period last year.

The Program's mandate includes compensation for victims of terrorist acts or acts of mass violence in the District of Columbia. In light of the events of September 11, 2001, the role of the Crime Victims Compensation Program in providing services to victims is clear. Similar programs in Virginia, New York and Pennsylvania played significant roles in the response to victims and their families after the terrorist attacks. The Court is working with the D.C. Department of Human Services, and the Deputy Mayor for Public Safety and Justice to ensure that the Program is included in the District's emergency response plan. The Program is working to develop protocols to coordinate victim services in the event of a local disaster.

As you know, the D.C. Appropriations Act, 2002 provides that 50% of any unobligated balance in the Crime Victims Compensation Fund be used for outreach activities. The Court stands ready to transfer some \$10.7 million dollars to the District government for this purpose. We hope that our combined efforts will reach every eligible victim of violent crime who needs assistance.

### ***Closing***

Mr. Chairman, Rep. Fattah, thank you for the opportunity to comment on these important and pressing issues. The D.C. Courts look forward to working with you to ensure that justice in the District of Columbia is administered promptly, fairly, and effectively.